



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 3231-01
24 October 2001

MSG [REDACTED] USMC RET
[REDACTED]
[REDACTED]
[REDACTED]

Dear Master Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested the Purple Heart Medal for the injuries you allege to have been incurred in July and August 1968.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 October 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval and medical records, and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 13 August 2001, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

3231-01

IN REPLY REFER TO:

1650
MMMA-3
13Aug01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Subj: REQUEST FOR ADVISORY OPINION(S) IN THE CASE OF [REDACTED]
[REDACTED] FORMER MARINE

1. During the period he served in the Marine Corps, the Purple Heart was authorized for award to those who were wounded or injured as a direct result of action by an enemy of the United States or an opposing armed force of a foreign country in which the Armed Forces of the United States was engaged.

2. Regrettably, a review of his service and medical records, and the records at this Headquarters failed to reveal any evidence that he was wounded in action by the enemy.

3. Since there is no indication in the records that he was injured under conditions, which would qualify him for the Purple Heart award, regulations require that he obtain eyewitness statements. The eyewitness statements can be from the medical personnel who treated him in the field or two other personnel who were present at the time he was injured. Statements should contain the time, place, medical attention received, and verification that the injury was a direct result of enemy action. If he can provide the above information, further consideration will be given to his request. The statement from [REDACTED] is accepted as one of the two required eyewitness statements. Statements from the Veterans Administration are not accepted as eyewitness statements, since they were not presented when he received his injuries. (S)

4. It should also be noted that any service-connected disability does not have to be the result of enemy action. Any injury sustained while on active duty, combat or otherwise, which results in some valid adjudicated disability, warrants appropriate medical care and, in some cases, compensation.

5. I realize that it will be difficult to obtain eyewitness statements due to the length of time that has elapsed. This Headquarters is keenly aware of the fact that there are undoubtedly many cases of Marines who sustained injuries, which might qualify them for the Purple Heart. In those cases, which cannot, be so verified, the eyewitness statements are required.

6. This Headquarters does not maintain a listing of former Marines and their addresses. However, he may obtain a listing of the officers and enlisted Marines who were assigned to his former unit by requesting copies of the unit rosters for the period in question from the following address:

Headquarters United States Marine Corps
Manpower and Reserve Affairs
2008 Elliott Road (Code MMSB)
Quantico, VA 22134-5103

30 7. Should he be able to obtain the names of former Marines that were eyewitness^{es} to his injury, he may request assistance in locating them from the below listed organizations:

[Redacted]
P.O. Box 1977
Quantico, VA 22134
Telephone: [Redacted]
[Redacted]

[Redacted]
8605 Cameron Street, Suite 400
Silver Spring, MD 20910
ATTN: [Redacted]
Telephone: [Redacted]
[Redacted]

8. I regret that a more favorable reply is not possible and I realize that the decision is not what he expected. In no way does it diminish his contributions to this Country and Corps.

9. A point of contact at [Redacted]
[Redacted]

Acting Head, Military Awards Branch